

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

UNITED STATES OF AMERICA)	
)	
v.)	1:14-cr-00088-JAW
)	
JEFFREY PAUL BARNARD)	

ORDER DENYING MOTION TO CONTINUE

On July 17, 2014, a federal grand jury indicted Jeffrey Paul Barnard for being a felon in possession of a firearm, an alleged violation of 18 U.S.C. § 922(g)(1). *Indictment* (ECF No. 12). Save for one case where a defendant fought extradition to the United States, Mr. Barnard's case is now the oldest case on this Judge's criminal docket that has not been resolved by plea or trial. On February 29, 2016, the Court granted Mr. Barnard's eighth motion to continue trial and set the trial for June 7, 2016. *Speedy Trial Order* (ECF No. 167). On May 5, 2016, the Court granted Attorney Bruce Merrill's motion to withdraw as counsel at Mr. Barnard's insistence and allowed Mr. Barnard to represent himself, over this Court's strenuous advice to the contrary. *Oral Order* (ECF No. 200). The Court appointed Attorney Merrill to act as standby counsel but emphasized to Mr. Barnard that he would be required to represent himself at trial and trial would take place, as scheduled, with jury selection and trial to follow on June 7, 2016. *Id.*

Since that time, Mr. Barnard has attempted to continue the trial. First, he filed a motion to continue, which the Court denied on May 13, 2016. *Letter Mot. to Cont. and for Conf.*(ECF No. 204); *Order on Mot. to Cont., for Conf., and for Copies*

(ECF No. 207). Next, on May 31, 2016, Mr. Barnard attempted to assert an insanity defense, which the Court struck as too late. *Notice of Insanity under Rule 12.2(a) F.C.C.R. Mental Examination Notice of Intent* (ECF No. 221); *Order Striking Notice of Insanity Defense and Denying Mot. for Psychiatric Exam* (ECF No. 229). Finally, on June 2, 2016, Mr. Barnard filed another motion to continue. *Mot. to Extend Time and Cont. Trial, with . . . Mot. for Pretrial Conf. under 17.1* (ECF No. 227). The Government responded on June 3, 2016, objecting to the continuance. *Gov't's Resp. in Opp'n to the Def.'s Mot. to Extend Time and Cont. Trial* (ECF No. 228).

Largely for the same reasons set forth in detail in its Order dated May 13, 2016, the Court DENIES Mr. Barnard's Motion to Extend Time and Continue Trial, with . . . Motion for Pretrial Conference under 17.1 (ECF No. 227). Regarding Mr. Barnard's medical issues, the Court is not convinced that Mr. Barnard's current array of medical problems would resolve themselves any time soon or that they would not be replaced with other complaints. Regarding his contentions about lack of time to prepare for trial, the Court remains convinced that Mr. Barnard, a man with whom the Court has had frequent dealings over the last thirteen years, is fully capable of representing himself as he has chosen to do, and has been intimately engaged in the defense of this case even before he assumed pro se status.

The trial will proceed as scheduled. The Court will hold a very brief conference with the parties just prior to jury selection on Tuesday, June 7, 2016.

SO ORDERED.

/s/ John A. Woodcock, Jr.
JOHN A. WOODCOCK, JR.
UNITED STATES DISTRICT JUDGE

Dated this 3rd day of June, 2016